

Local Form 440 (07/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Lehman Brothers Holdings Inc.

*Plaintiff*

v.

BayRock Mortgage Corporation

*Defendant*

Civil Action No.

**1 09-CV-2798**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

BayRock Mortgage Corporation  
c/o Hayden Kepner, Esq  
1500 Candler Building  
127 Peachtree Street, N.E.  
Atlanta, GA 30303

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LOCK LORD BISSELL & LIDDELL, LLP  
1170 PEACHTREE ST NE STE 1900  
ATLANTA, GA 30309

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JAMES N. HATTEN  
CLERK OF COURT

Date: OCT 09 2009

  
Signature of Clerk or Deputy Clerk

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section must be filed with the court unless exempted by Fed. R. Civ. P. 4 (l).)*

This summons for *(name of individual and title, if any)* Hayden Kepner  
 was received by me on *(date)* 10/9/09.

☒ I personally served the summons on the individual at *(place)* 127 PEACHTREE ST  
 on *(date)* OCT 9, 2009; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
 a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: 10/9/09

Alicia Jones  
*Server's signature*  
ALICIA JONES - Process Server  
*Printed name and title*

1425 BENEFEN AVE ATLANTA, GA 30315  
*Server's address*

Additional information regarding attempted service, etc: